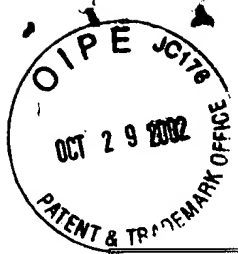


3764



PATENT
02581-P0316A WWW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Hartmut Boche
Serial No. 09/625,792	Filing Date: July 26, 2000
Title of Application:	Medical Instrument With A Non-Contact Readable Data Carrier
Confirmation No. 8313	Group Art Unit: 3764
Examiner	Denise M. Pothier

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OCT 31 2002

Assistant Commissioner for Patents
Washington, DC 20231

TECHNOLOGY CENTER R3700

Election Pursuant to Restriction Requirement

Dear Sir:

This is a response to the outstanding Office Action dated October 1, 2002.

Applicant hereby elects the invention of Species A, Figures 1-3. Applicant submits that all of Claims 1-9 and 11-14 are readable on the species depicted in Figures 1-3.

The Examiner has acknowledged that Claims 1, 3-5, 8, 9 and 11-14 are generic to all species. However, Applicant respectfully submits that Claims 2 and 6 are also generic. The element claimed in Claims 2 and 6 (i.e., the undercut 32) is clearly illustrated in the embodiments shown in Figures 1-3 and in Figures 5 and 6. While undercut 32 is not specifically shown in Figure 4, the embodiment shown therein would

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October 24, 2002

Beatrice R. Emerson

still include an undercut 32. The undercut 32 is simply not located in the plane where the cross-section is taken. As can be taken from the specification, page 15, second paragraph, Figure 4 shows a cross-section taken along line IV--IV of Figure 2 with the other views corresponding to those of Figures 2 and 3. The undercut 32 would still be present in the embodiment shown in Figure 4; it would simply be located toward the right of the device with respect to the view shown in Figure 2 (i.e., in the area where the cross-section shown in Figure 3 is taken). This is why Claims 2 and 6 both require that the undercut be located "in at least one partial region." It is not required that the undercut be present along the entire cross-section of the device.

Respectfully submitted,



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